

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 FEA-01 ACDA-12 AGRE-00 AID-05  
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09  
DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01  
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03  
NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05  
PRS-01 SP-02 SS-15 USIA-06 /130 W  
-----070489 050104Z /64

P 041916Z NOV 77  
FM AMEMBASSY OTTAWA  
TO SECSTATE WASHDC PRIORITY 5267

C O N F I D E N T I A L OTTAWA 09552

E.O. 11652: GDS  
TAGS: PLOS, CA  
SUBJECT: MARITIME BOUNDARY IN GULF OF MAINE

REF: OTTAWA 9553

1. CHARGE WAS CALLED TO EXTERNAL AFFAIRS ON NOVEMBER 3 BY  
USA AFFAIRS DIRECTOR GENERAL MCKINNEY TO RECEIVE FORMAL  
NOTE CONCERNING GOC VIEWS ON MARITIME BOUNDARY IN GULF OF  
MAINE. FULL TEXT OF NOTE TRANSMITTED REFTEL. ORIGINAL  
OF NOTE, PLUS ANNOTATED CHARTS, BEING POUCHED TO EUR/CAN.

2. MCKINNEY BEGAN BY STRESSING THAT GOC REMAINS FULLY  
COMMITTED TO SEEKING RESOLUTION OF GULF OF MAINE ISSUES  
THROUGH CUTLER/CADIEUX NEGOTIATIONS. HOWEVER, MCKINNEY  
SAID LAW OF THE SEA IS SUBJECT TO CONTINUING EVOLUTION,  
AND NEGOTIATIONS SHOULD TAKE INTO ACCOUNT ANY GERMANE  
DEVELOPMENTS. IN GOC VIEW, SUCH HAS OCCURRED WITH RECENT  
ANGLO/FRENCH CONTINENTAL SHELF DELIMITATION ARBITRATION  
AWARD, WHICH CLARIFIES SCOPE AND APPLICATION OF PRINCIPLE  
OF "SPECIAL CIRCUMSTANCES" AND ITS RELATIONS TO PRINCIPLE  
OF EQUAL DISTANCE, AS WELL AS SCOPE AND APPLICATION OF  
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"EQUITABLE PRINCIPLES" AND THEIR RELATION TO PRINCIPLE  
OF EQUAL DISTANCE IN CUSTOMARY INTERNATIONAL LAW ON CON-  
TINENTAL SHELF DELIMITATION. APPLICATION OF PRINCIPLES  
OF LAW ENUNCIATED IN ANGLO/FRENCH AWARD TO FACTUAL SITUA-  
TION IN GULF OF MAINE/GEORGE'S BANK AREA LED GOC TO CON-  
CLUSION THAT LINE DRAWN WITHOUT REFERENCE TO COASTAL  
PROJECTIONS REPRESENTED BY CAPE COD, NANTUCKET AND MARTHA'S

VINEYARD CONSTITUTES EQUITABLE EQUAL DISTANCE LINE AND, THEREFORE, THE LATERAL LIMITS OF CANA'S CONTINENTAL SHELF AND FISHERIES JURISDICTION IN THE ATLANTIC AREA SEAWARD OF THE GULF OF MAINE. EXTAFF NOTE SETS FORTH GEOGRAPHIC COORDINATES DEFINING REVISED LIMITS OF CANADA'S MARITIME JURISDICTION.

3. MCKINNEY CALLED ATTENTION TO FACT THAT, IF CANADA WERE NOT ENGAGED IN NEGOTIATIONS WITH USG ON THIS SUBJECT, IT WOULD FOLLOW NORMAL PROCEDURE OF MAKING PUBLIC ITS POSITION BY ISSUING ORDER IN COUNCIL. HOWEVER, IN ORDER TO AVOID PREJUDICING NEGOTIATIONS, GOC, WHILE PRESENTING ITS POSITION FORMALLY TO USG, WILL NOT MAKE THIS POSITION KNOWN PUBLICLY.

4. MCKINNEY STATED THAT AMBASSADOR CADIEUX HAD ALREADY ADVISED AMBASSADOR CUTLER OF GDC POSITION ON THIS ISSUE, AND OF FACT THAT GOC INTENDED TO INFORM USG BY DIPLOMATIC NOTE.

5. IN ENSUING DISCUSSION, MCKINNEY DECLINED TO CHARACTERIZE GOC ACTION IN PRESENTING NOTE AS EITHER DIRECT CONTRIBUTION TO NEGOTIATING PROCESS OR TO LEGAL ENVIRONMENT IN WHICH NEGOTIATION IS TAKING PLACE. HE PREFERRED TO DESCRIBE IT AS STATEMENT OF GOC POSITION AND ACKNOWLEDGED THAT IT WOULD REQUIRE CAREFUL STUDY BY U.S.

6. COMMENT: WHILE EMBASSY DEFERS TO AMBASSADOR CUTLER'S JUDGMENT, WE FIND THIS GOC ACTION HARDLY CONDUCIVE TO EARLY CONFIDENTIAL

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RESOLUTION OF GULF OF MAINE ISSUES. WE WOULD WELCOME PROMPT INSTRUCTIONS ON RESPONSE TO GOC, INCLUDING AUTHORIZATION TO RAISE THIS MATTER WITH MINISTER JAMIESON. DUEMLING

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
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**Status:** NATIVE  
**Subject:** MARITIME BOUNDARY IN GULF OF MAINE  
**TAGS:** PLOS, CA  
**To:** STATE  
**Type:** TE  
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